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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,686	03/30/2001	Thomas N. Turba	#RA 5362 (33012/309/101)	9229

27516 7590 12/04/2006

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EXAMINER

NGUYEN, MERILYN P

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,686

Applicant(s)

TURBA ET AL.

Examiner

Merilyn P. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/11/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

1. In response to the communication dated 09/11/2006, claims 1-20 are pending in this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 6 and 16 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, nowhere in the original specification describes or support “a Data Wizard located within said data base management system” in the claim. Figure 3 and pages 23, lines 7-8 and page 24, lines 1-3 of specification say nothing about “a Data Wizard located within said data base management system”. For example, Applicants state, “The Cool ICE system is resident in web server 50” (page 23, lines 7-8, Specification) and “the enterprise data and enterprise data base management service functionality typically resides within enterprise server 54” (page 24, lines 1-3, Specification) which clearly point out that the Data Wizard of Cool Ice system is resident in web server 50 while database management system data and service resides within enterprise server 54.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, the claim recites step d “repeating steps a and b until said service is completely defined” which is vague and indefinite because with only steps a and b do not make a complete service.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Glaser (US 6,058,264).

Regarding claim 1, Glaser discloses in a data processing system (Figs. 1-4) comprising:

- a. a data base management system having a plurality of customized user interface components stored therein; (See Figs. 7A-7G)

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b. a user terminal (Client Computer 102, Fig. 1) operated by a user which builds a service using said plurality of customized user interface components (See col. 3, lines 49-56) providing a related sequence of manipulations of data within a data base management system (RDBMS 126, Fig. 1) which responds to said service by executing an ordered sequence of command language script (See col. 4, lines 21-35) coupled to said user terminal via a publicly accessible digital data communication network (Network Server 110, Fig. 1);

c. a data wizard (Extender Smart Guide 422, Fig. 4) which permits said user to create said service as a plurality of discrete and independent steps (See Fig. 7A-7G) corresponding to said ordered sequence of command language script (See col. 6, lines 1-23 and col. 9, lines 20-31); and

d. a save component module within said data base management system which stores said plurality of discrete and independent steps for individual subsequent use (See col. 9, lines 14-40).

Regarding claim 6, Glaser discloses apparatus comprising:

a. a user terminal (Client Computer 102, Fig. 1) having a plurality of customized user interface components (See Fig. 7A-7G) which creates a service request for modification of data within a data base (See col. 3, lines 49-56);

b. a data base management system (RDBMS 126, Fig. 1) coupled to said user terminal via a publicly accessible digital data communication network (Network Server 110, Fig. 1) having a data base which stores said plurality of customized user interface components and supplies said plurality

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of customized user interface components to said user terminal and which responds to said service request by execution of an ordered sequence of command language statements (See col. 4, lines 21-35); and

c. a data wizard (Extender Smart Guide 422, Fig. 4) coupled to said user terminal and located within said data base management system which enables said service request to be defined from said user terminal in accordance with a plurality of discrete and independent steps (See Fig. 7A-7G);

d. a service storage module located within said database management system which stores said service request as said plurality of discreet and independent steps (See Figs. 7A-7G) within said data base for future individual use of each of said plurality of discreet and independent steps (See col. 9, lines 14-40).

Regarding claim 11, Glaser discloses a method of dynamically building a service which modifies data within a data base (Figs. 7A-7G, and col. 3, lines 49-56) from a user terminal (Client Computer 102, Fig. 1, Glaser at el.) coupled via a publicly accessible digital data network (Network Server 110, Fig. 1) to a remote data base management system (RDBMS 126, Fig. 1) which responds to said service by executing an ordered sequence of command language script having a service building process (See cols. 6-9). Glaser teaches building a customized user interface from a plurality of components stored within said data base (See col. 7, lines 25-29). Glaser teaches an ordered sequence of steps at Fig. 7A through Fig. 7G. Glaser presents a subsequent discreet and independent step ordered subsequently to said previous discreet and independent step at

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Fig. 7C and col. 8, lines 5-10 wherein user can select to either adding, deleting or updating attributes. After chosen the desired attributes, the user click "next" to proceed next one of the order sequence of steps (Fig. 7D). This process repeats until user click "Finish" to complete the service (768, Fig. 7G). Glaser further discloses storing said completed service as a plurality of said discreet and independent steps within said remote data base management system for future individual use (See col. 9, lines 14-40).

Regarding claim 16, Glaser discloses an apparatus comprising:

- a. permitting means for permitting a user to access publicly accessible digital data communication network (See Browser 108, Fig. 1, and col. 3, line 67 to col. 4, line3) via a customized user interface having a plurality of components (See Figs 7A-7G);
- b. providing means (Database Server 122, Fig. 1) coupled to said permitting means via said publicly accessible digital data communication network for providing data base management services which stores said plurality of components (See col. 3, lines 50-56 and col. 4, lines 21-36);
- c. designing means (See col. 7, lines 18-25) couple to said permitting means and located within said responding means for designing a service through specification of an ordered plurality of discreet and independent steps (See Figs. 7A-6G); and
- d. storing means (Storage device 124) located within said providing means for storing said service as said ordered plurality of discreet and independent steps for subsequent individual usage (See col. 9, lines 14-40).

Regarding claims 2, 7 and 18, Glaser discloses said publicly accessible digital data communication network further comprises the Internet (See col. 3, line 67 to col. 4, line 1).

Regarding claims 3, 9, 13-14 and 20, Glaser discloses said user terminal further comprises an industry compatible personal computer (Client Computer 102, Fig. 1, Glaser at el.) having a commercially available browser (Browser 108, Fig. 1).

Regarding claims 4, 8, and 17, Glaser discloses said data wizard permits said user to define and edit each step in said plurality of steps independently of each of the other steps in said plurality of steps (See col. 8, lines 14-16 and lines 30-54 and col. 9, lines 36-40, wherein each of said steps is edited independently of any other steps as the user can always go back and make modifications, See Figs. 7A-7G).

Regarding claim 5, 10, 15, and 19, Glaser discloses a commercial data base management system (See col. 3, lines 49-56, wherein Glaser system is primarily targeted to enterprise customers. Since the system targets on enterprise customers, the system relating to economic business thus database management system of Glaser is commercially. Also one having ordinary skill in the art would have been recognized that relational database management system is commercial database management system).

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Regarding claim 12, Glaser further discloses editing said first discrete and independent step without modification to said second discrete and independent step (See col. 8, lines 14-16 and lines 30-54 and col. 9, lines 36-40, wherein each of said steps is edited independently of any other steps as the user can always go back and make modifications, See Figs. 7A-7G).

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bae (US 6,295,531).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Bae discloses in a data processing system (Fig. 3) comprising:

- a. a data base management system having a plurality of customized user interface components stored therein (See Fig. 10);
- b. a user terminal (Client Computer 46, Fig. 3) operated by a user which builds a service using said plurality of customized user interface components (See col. 8, lines 7-17) providing a related sequence of manipulations of data within a data base management system (See col. 6, lines 1-9) which responds to said service by executing an ordered sequence of command language script (See col. 8, lines 34-43) coupled to said

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user terminal via a publicly accessible digital data communication network (reference 16, Fig. 1);

b. a data wizard (Data Wizard 302, Fig. 10) which permits said user to create said service as a plurality of discrete and independent steps (See Fig. 10, and col. 13, line 61 to col. 14, line 21) corresponding to said ordered sequence of command language script (See col. 14, lines 41-44); and

c. a save component module within said data base management system which stores said plurality of discrete and independent steps for individual subsequent use (Save query definition 340, Fig. 10).

Regarding claim 6, Bae discloses apparatus comprising:

a. a user terminal (Client Computer 46, Fig. 3) having a plurality of customized user interface components which creates a service request for modification of data within a data base (See col. 6, lines 1-9);

b. a data base management system (data base management system such as MAPPER database management system, col. 5, line 63-65) coupled to said user terminal via a publicly accessible digital data communication network (reference 16, Fig. 1) having a data base which stores said plurality of customized user interface components and supplies said plurality of customized user interface components to said user terminal and which responds to said service request by execution of an ordered sequence of command language statements (See col. 8, lines 34-43); and

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c. a data wizard (Data Wizard 302, Fig. 10) coupled to said user terminal and located within said data base management system which enables said service request to be defined from said user terminal in accordance with a plurality of discrete and independent steps (See Fig. 10, and col. 13, line 61 to col. 14, line 21);

d. a service storage module (Save query definition 340, Fig. 10) located within said database management system which stores said service request as said plurality of discrete and independent steps within said data base for future individual use of each of said plurality of discrete and independent steps (See Fig. 10, and col. 13, line 61 to col. 14, line 21).

Regarding claim 11, this claim recites similar limitation as addressed above in claims 1 and 6, thus rejected on the same ground.

Regarding claim 16, Bae discloses an apparatus comprising:

- a. permitting means (Client 46, Fig. 3) for permitting a user to access publicly accessible digital data communication network (reference 16, Fig. 1) via a customized user interface having a plurality of components (See Fig. 10);
- b. providing means (Enterprise server 54, Fig. 3) responsively coupled to said permitting means via said publicly accessible digital data communication network for providing data base management services (See col. 6, lines 1-9);

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c. designing means (Web server 50, Fig. 3) responsively couple to said permitting means (Client 46, Fig. 3) and said providing means for designing a service through specification of an ordered plurality of discreet and independent steps (See Fig. 10, and col. 13, line 61 to col. 14, line 21); and

d. storing means (Save query definition 340, Fig. 10) located within said providing means for storing said service as said ordered plurality of discreet and independent steps for subsequent individual usage (See col. 14, lines 41-51).

Regarding claims 2, 7 and 18, Bae discloses said publicly accessible digital data communication network further comprises the Internet (See col. 3, lines 60-62).

Regarding claims 3, 9, 13-14 and 20, Bae discloses said user terminal further comprises an industry compatible personal computer (Client 46, Fig. 3) having a commercially available browser (See col. 7, lines 40-45).

Regarding claims 4, 8, and 17, Bae discloses said data wizard permits said user to define and edit each step in said plurality of steps independently of each of the other steps in said plurality of steps (See Figs. 10 and 11).

Regarding claim 5, 10, 15, and 19, Bae discloses a commercial data base management system (See col. 5, line 66 to col. 6, line 9).

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Regarding claim 12, Bae further discloses editing said first discrete and independent step without modification to said second discrete and independent step (See Figs. 10 and 11).

Response to Arguments

6. Applicant's arguments filed on 09/11/2006 with respect to claims 1-20 have been fully considered but they are not persuasive.

Response to Applicant's Remarks on 112 first paragraph Rejection:

Applicant states that the claimed limitation of "a Data Wizard located within said data base management system" is supported by Figures 14 and 15 and along with page 45, line 12, through page 46, line 15. Applicant states in the first paragraph of page 46 "execution of an existing data wizard scripted query definition is accomplished by Cool Ice engine 428 which is essentially the MAPPER database management system in the preferred mode of the present invention".

Examiner is not persuaded fro the following reasons:

- (1) The MAPPER database is not shown in Figure 14 and thus its relevance is unknown.
- (2) The MAPPER database is not included in claim 1 and thus its relationship to the Data Wizard would not be determinable by a skilled artisan.
- (3) Applicant claims the Data Wizard "permits"...the user to create the service. The skilled artisan would not understand what method steps are included in "permitting".

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(4) The skilled artisan would not be able to make and use the invention because it is unclear from the specification how the plurality of discrete and independent steps “correspond” to the ordered sequence of command language script. For the above reasons, the rejection under the first paragraph of 35 U.S.C. 101 is maintained.

Response to Applicant's Remarks on 102 Rejection as being anticipated by Glaser:

Applicants further state, “In other words, Glaser is interested in providing a standardized interface to an RDBMS **without modifying the RDBMS...Applicants**, on the other hand, **specifically require** that the new interface be created in accordance with **modifications to the legacy data base management system**” (Emphasis added). However, the claim only recites “manipulations of data within a data base management system” and not modifying the data base management system as argued.

Applicants argue that Glaser does not teach, “a Data Wizard located with said data base management system”. The Examiner response can be found above in the Response to Applicant's Remarks on 112 Rejection. The Data Wizard is clearly mapped in the Office Action to Extended Definition SmartGuide. Applicants further argue “the claimed invention utilizes the power of the claimed data base management system to construct the “service requests” used to direct the data base management system. The Examiner respectfully points out the claimed limitation recites a user to builds a service for manipulating data within a data base management system and the data base management system responds to that service by executing sequence of command

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language script, thus the claimed data base management does not construct the “service requests”. The “service requests” are not included in claim 1.

Applicants argue that Glaser does not teach “a plurality of discrete and independent steps corresponding to said ordered sequence of command language script”. The Examiner respectfully disagrees. Column 8, lines 14-16 and lines 30-54 and col. 9, lines 36-40 discloses this recitation wherein each step is edited independently of any other steps as the user can always go back and make modification. Each of Figs. 7A-7G discloses independent step or task. For example, Fig. 7C represent step for selecting attributes which can be modify/edit independently with the step for selecting methods (Fig. 7E).

Applicants argue that Glaser does not teach “a save component module within said data base management system” and state, “the citation at column 9, lines 14-40, is totally irrelevant, because it refers to “dynamic link library” which is clearly not created in accordance with the extender and does not indicated where it is stored or where it is located”. The Examiner respectfully disagrees. The cited part of Glaser clearly teaches a save component module as if user wants to change an extender smart guide interface, the user is able to restart a session with the extender definition originally entered (means already stored). Applicants is directed to Fig. 7A which clearly showing the save module (“Open existing extender definition”).

Applicants state, “the remainder of the citation discusses script without regard to where it is stored and which “enables a table” rather than **be created from a table as**

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claimed." (Emphasis added). The Examiner respectfully points out that this recitation is not claimed.

Applicants argue that Glaser does not teaches a user terminal which makes a service request for modification of data within a data base. The Examiner respectfully disagrees. Column 9, lines 17-20, discloses a client browser 102 invokes the specific extender which in turn invokes the RDBMS. This recitation means the user making a service request for modification of data.

Applicants state, "Claim 3, 9, 13-14 and 20... further limit the software architecture of the claimed user terminal making her rejection, the Examiner cites Glaser, Fig. 1, element 102. Fig. 1 says nothing of the software architecture of Client Computer 102...In fact, Glaser does not define the software architecture of Client Computer 102 anywhere." The examiner respectfully disagrees and points out that this limitation is not claimed. Applicant claims limitation of claim 3, similarly with claims 9, 13-14 and 20, "wherein said user terminal further comprises an industry compatible personal computer having a commercially available browser". As recited above in the rejection section, Glaser discloses Client Computer 102, Fig. 1 having a commercially available browser 108, thus Glaser teaches the claimed limitation.

Applicant argues that Glaser does not teach data base management system is a commercially available. The Examiner respectfully disagrees. Col. 3, lines 49-56 of Glaser teaches system is primarily targeted to enterprise customers. Since the system targets on enterprise customers, the system relates to economic activities thus database management system of Glaser is commercially available. One having ordinary skill in the art would have recognized that an enterprise is a commercial or industrial activity or

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organization and that the RDBMS is made commercially. Therefore, database management system of Glaser is commercially available database management system.

Response to Applicant's Remarks on 102 Rejection as being anticipated by Bae (US Patent No. 6,295,531):

Applicant states, "though Bae has a Data Wizard, it does not have the claimed "plurality of customized user interface components". This limitation is taught in Fig. 10 of Bae.

Applicant also states, "35 U.S.C. 103 precludes Bae from being cited as obviousness prior art against the subject invention". Examiner respectfully points out that Examiner uses Bae on 35 U.S.C. 102 (e) rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MN
November 27, 2006



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100